

(2) *an action in the name of the state to restrain or enjoin a person from violating this chapter.*

(b) *Before bringing the action, the attorney general or prosecuting attorney shall give the person notice of the person's noncompliance and liability for a civil penalty. The notice must:*

(1) *contain guidance to assist the person in complying with this chapter;*

(2) *advise the person of the prohibition under Section 604A.002; and*

(3) *state that the person may be liable for a civil penalty for a subsequent violation of Section 604A.002.*

(b-1) *If the person complies with Section 604A.002 not later than the 30th day after the date of the notice under Subsection (b), the violation is cured and the person is not liable for the civil penalty. A person who has previously received notice of noncompliance under Subsection (b) is not entitled to notice of or the opportunity to cure a subsequent violation of Section 604A.002.*

(c) *The attorney general or the prosecuting attorney, as appropriate, is entitled to recover reasonable expenses incurred in obtaining injunctive relief, civil penalties, or both, under this section, including reasonable attorney's fees, court costs, and investigatory costs.*

SECTION 2. The changes in law made by this Act apply only to a sale of goods or services occurring on or after the effective date of this Act. A sale of goods or services occurring before the effective date of this Act is governed by the law in effect on the date the sale occurred, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

Passed the Senate on April 15, 2015: Yeas 29, Nays 2; the Senate concurred in House amendment on May 13, 2015: Yeas 29, Nays 2; passed the House, with amendment, on May 1, 2015: Yeas 113, Nays 22, two present not voting.

Approved May 23, 2015.

Effective September 1, 2015.

## COORDINATED COUNTY TRANSPORTATION AUTHORITIES

### CHAPTER 114

S.B. No. 678

#### AN ACT

**relating to coordinated county transportation authorities.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter C, Chapter 460, Transportation Code, is amended by adding Section 460.1041 to read as follows:

**Sec. 460.1041. LIABILITY LIMITED FOR RAIL SERVICES UNDER CERTAIN AGREEMENTS.** (a) *This section applies only to public passenger rail services provided:*

(1) *under an agreement between an authority created before January 1, 2005, and a railroad for the provision of public passenger rail services through the use of the railroad's facilities; and*

(2) *on freight rail lines and rail rights-of-way that are:*

(A) *located in the Interstate 35W/Interstate 35 corridor; or*

(B) *a northern extension of existing passenger rail service provided by the authority in the Interstate 35E corridor.*

(b) *The aggregate liability of an authority and a railroad that enter into an agreement*

*to provide public passenger rail services, and the governing boards, directors, officers, employees, and agents of the authority and railroad, may not exceed \$125 million for all claims for damages arising from a single incident involving the provision of public passenger rail services under the agreement.*

*(c) Subsection (b) does not affect:*

*(1) the amount of damages that may be recovered under Subchapter D, Chapter 112, or the federal Employers' Liability Act (45 U.S.C. Section 51 et seq.); or*

*(2) any immunity, limitation on damages, limitation on actions, or other limitation of liability or protections applicable under other law to an authority or other provider of public passenger rail services.*

*(d) The limitation of liability provided by this section does not apply to damages arising from the wilful misconduct or gross negligence of the railroad.*

*(e) An authority shall obtain or cause to be obtained insurance coverage for the aggregate liability stated in Subsection (b) with the railroad as a named insured.*

SECTION 2. Section 460.107(c), Transportation Code, is amended to read as follows:

(c) If an authority, through the exercise of eminent domain, makes any relocation necessary, ~~[the] relocation assistance [costs]~~ shall be ~~provided~~ ~~[paid]~~ by the authority as provided by Section 21.046, Property Code.

SECTION 3. Section 460.406(c), Transportation Code, is amended to read as follows:

(c) The board of directors may authorize the negotiation of a contract without competitive sealed bids or proposals if:

(1) the aggregate amount involved in the contract is *less than the greater of:*

(A) \$50,000 ~~[or less]~~; or

(B) *the amount of an expenditure under a contract that would require a municipality to comply with Section 252.021(a), Local Government Code;*

(2) the contract is for construction for which not more than one bid or proposal is received;

(3) the contract is for services or property for which there is only one source or for which it is otherwise impracticable to obtain competition;

(4) the contract is to respond to an emergency for which the public exigency does not permit the delay incident to the competitive process;

(5) the contract is for personal or professional services or services for which competitive bidding is precluded by law;

(6) the contract, without regard to form and which may include bonds, notes, loan agreements, or other obligations, is for the purpose of borrowing money or is a part of a transaction relating to the borrowing of money, including:

(A) a credit support agreement, such as a line or letter of credit or other debt guaranty;

(B) a bond, note, debt sale or purchase, trustee, paying agent, remarketing agent, indexing agent, or similar agreement;

(C) an agreement with a securities dealer, broker, or underwriter; and

(D) any other contract or agreement considered by the board of directors to be appropriate or necessary in support of the authority's financing activities;

(7) the contract is for work that is performed and paid for by the day as the work progresses;

(8) the contract is for the lease or purchase of an interest in land;

(9) the contract is for the purchase of personal property sold:

(A) at an auction by a state licensed auctioneer;

(B) at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code; or

(C) by a political subdivision of this state, a state agency, or an entity of the federal government;

(10) the contract is for services performed by *persons who are blind or have severe disabilities* [~~severely disabled persons~~];

(11) the contract is for the purchase of electricity;

(12) the contract is one for an authority project and awarded for alternate project delivery using the procedures under Subchapters E, F, G, and I, Chapter 2269 [2267], Government Code[, as added by Chapter 1129 (H.B. 628), Acts of the 82nd Legislature, Regular Session, 2011]; or

(13) the contract is for fare enforcement officer services under Section 460.1092.

SECTION 4. (a) Section 460.1041, Transportation Code, as added by this Act, applies only to a cause of action that accrues on or after September 1, 2015.

(b) The change in law made by this Act to Section 460.107(c), Transportation Code, applies only to a condemnation proceeding in which the petition is filed on or after September 1, 2015, and to any property condemned through the proceeding. A condemnation proceeding in which the petition is filed before September 1, 2015, and any property condemned through the proceeding are governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2015.

Passed the Senate on April 30, 2015: Yeas 31, Nays 0; passed the House on May 13, 2015: Yeas 139, Nays 5, two present not voting.

Approved May 23, 2015.

Effective September 1, 2015.

## PUBLIC MEETINGS OF JOINT AIRPORT BOARDS

### CHAPTER 115

S.B. No. 679

#### AN ACT

**relating to public meetings of joint airport boards.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 551.001(3), Government Code, is amended to read as follows:

(3) "Governmental body" means:

(A) a board, commission, department, committee, or agency within the executive or legislative branch of state government that is directed by one or more elected or appointed members;

(B) a county commissioners court in the state;

(C) a municipal governing body in the state;

(D) a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county or municipality;

(E) a school district board of trustees;

(F) a county board of school trustees;

(G) a county board of education;

(H) the governing board of a special district created by law;

(I) a local workforce development board created under Section 2308.253;

(J) a nonprofit corporation that is eligible to receive funds under the federal com-